

FILED

JUN - 7 2011

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re)	Case No. 10-44610-E-7
)	
JAMES L. MACKLIN,)	
)	
Debtor.)	
)	
JAMES L. MACKLIN,)	Adv. Proc. No. 11-2024 ✓
)	Docket Control No. HSB-004
Plaintiff,)	
)	
v.)	
)	
DEUTSCHE BANK NATIONAL TRUST)	
COMPANY, et al.,)	
)	
Defendants.)	
)	

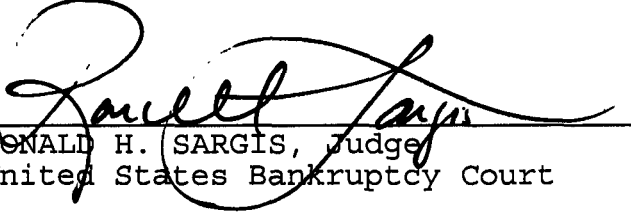
MEMORANDUM DECISION DENYING MOTION TO COMPEL
CHAPTER 7 TRUSTEE TO ABANDON PROPERTY OF THE ESTATE

The court is presented with Debtor-Plaintiff's motion to compel the Chapter 7 Trustee to abandon the Estate's interest in the real property commonly known as 10040 Wise Road, Auburn, California.

A motion to abandon is a contested matter governed by Federal Rule of Bankruptcy 9014. See 7 COLLIER ON BANKRUPTCY ¶ 554.02[6] (Alan N. Resnick & Henry J. Sommer eds. 16th ed.). Contested matters are properly resolved by a motion in the main bankruptcy case. Hon. Christopher M. Klien, *Bankruptcy Rules Made Easy (2001): A Guide to*

1 the Federal Rules of Civil Procedure That Apply in Bankruptcy, 75
2 Am. Bankr. L.J. 35, 39 (2001). Therefore, the filing of a motion
3 to abandon in an adversary proceeding is procedurally defective,
4 and the motion is consequently denied.

5 Dated: June 6, 2011

6 
7 RONALD H. SARGIS, Judge
8 United States Bankruptcy Court
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This document does not constitute a certificate of service. The parties listed below will be served a separate copy of the attached document(s).

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